

Applicant: Shintaro Asano  
U.S.S.N.: 09/802,093

### **REMARKS**

In response to the Office Action mailed September 26, 2003, Applicant respectfully requests reconsideration. To further the prosecution of the application, claims 1-11, 14 and 15 have been cancelled, claim 12 has been amended, and claims 22-30 have been added to the application. Claims 12, 13 and 16-30 are pending in the application with claims 12, 22 and 27 being in independent form.

Each of claims 15 and 16 has been objected to as being dependent on a rejected claim, but indicated as allowable if rewritten in independent form to include all of the limitations of its base claim and any intervening claims. Claim 15 was previously dependent on claim 14 and ultimately on independent claim 12. Claim 12 has been amended herein to include the limitations of claims 14 and 15, and accordingly, claim 12 is in allowable condition. Claim 16 previously depended from claim 15 and has been amended herein to depend from claim 12. Claim 16 is allowable for at least the same reasons as claim 12.

Claims 1-5, 7-13 and 17-20 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,799,147 (Shannon). Without acceding to the correctness of this rejection, to further the prosecution of the application, claims 1-5 and 7-11 have been cancelled. Claim 12 has been amended as described above to include the limitations of claims 14 and 15 and is in allowable condition. Claims 17-20 depend from claim 12 and are allowable for at least the same reasons. Based on the foregoing, the rejection under 35 U.S.C. §102(b) should be withdrawn.

Claims 6 and 21 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Shannon in view of U.S. Patent No. 6,260,124 (Crockett). Without acceding to the correctness of this rejection, claim 6 has been cancelled herein. Claim 21 depends from claim 12 and is patentable for at least the same reasons. Based on the foregoing, the rejection under 35 U.S.C. §103 over Shannon in view of Crockett should be withdrawn.

Claim 14 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Shannon in view of U.S. Patent No. 6,347,339 (Morris). As discussed above, the limitations of claim 14 have been included in claim 12, and claim 14 has been cancelled herein. Accordingly, the rejection under 35 U.S.C. §103 over Shannon in view of Morris should be withdrawn.

Claim 22-30 have been added to the application with claims 22 and 27 being in independent form. Claim 22 is directed to a method of remotely monitoring a data back-up process associated with a first computer and a storage device operatively coupled to the first computer. The method includes receiving an electronic message at a second computer sent over a network by the first computer, wherein the second computer is located remotely from the first computer and the storage device, and the message indicates that the first computer is prepared to start a data back-up process, sending an electronic message from the second computer to the first computer to instruct the first computer to start the data back-up process, using the second computer, monitoring over the network the back-up process being performed by the first computer, and sending a message from the second computer indicating a status of the back-up process.

In contrast with claim 22, which is directed to a method that uses one computer to monitor, over a network, a back-up process being performed by a second computer, Shannon discloses a system in which backup data is provided from a client computer 52 to a first server computer 54 and optionally to a second server computer 62 over networks 54 and 68 ( Shannon, Fig. 2, and column 5, lines 18-34). Shannon does not disclose or suggest a method of monitoring a back-up process as recited in claim 22, and accordingly, claim 22 is patentably distinguishable over Shannon. Similarly, the other prior art of record does not disclose or suggest a method of monitoring a back-up process as recited in claim 22, and accordingly, claim 22 is in allowable condition.

Claims 23-26 depend from claim 22 and are allowable for at least the same reasons.

Claim 27 is directed to a system for remotely monitoring over a network a data back-up process associated with a remote computer and a storage device operatively coupled to the remote computer. The system includes a network computer having a network connection to couple the network computer to the network. The network computer is programmed to receive an electronic message sent over the network by the remote computer, wherein the message indicates that the remote computer is prepared to start a data back-up process, send an electronic message to the remote computer to instruct the remote computer to start the data back-up process, monitor the back-up process being performed by the remote computer, and send a message indicating a status of the back-up process.

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In the system of claim 27, similar to the method of claim 22, one computer monitors, over a network, a back-up process being performed on a second computer. Claim 27 is allowable over the prior art of record for at least reasons similar to claim 22 discussed above.

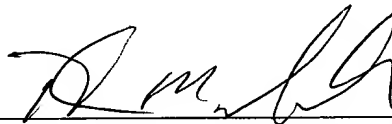
Claims 28-30 depend from claim 27 and are allowable over the prior art of record for at least the same reasons.

Based on the foregoing, the application is believed to be in allowable condition, and a notice to that effect is respectfully requested. If the Examiner has any questions regarding this application, she is invited to contact the Applicant's Attorney at the number provided below.

### **CONCLUSION**

Based on the foregoing, this application is believed to be in allowable condition and a notice to that effect is respectfully requested. If the Examiner has any questions, he is invited to contact the applicants' attorney at the number provided below.

Respectfully submitted,



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